UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,281	10/31/2001	Brent McKay	12275-0013/JWE	3808

20995 7590 12/22/2005

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER	
LASTRA, DANIEL	

ART UNIT	PAPER NUMBER
3622	

DATE MAILED: 12/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/004,281	MCKAY, BRENT	
	Examiner	Art Unit	
	DANIEL LASTRA	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 October 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *21-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *21-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *09/14/2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 21-36 have been examined. Application 10/004,281 (INTERACTIVE MEDIA MANAGEMENT SYSTEM AND METHOD FOR NETWORK APPLICATIONS) has a filing date 10/31/2001 Claims Priority from Provisional Application 60244761 (10/31/2000).

Response to Amendment

2. In response to Non Final rejection filed 03/14/2005, the Applicant filed an Amendment on 09/14/2005, which cancel claims 1-20 and added new claims 21-36. Also, Applicant filed a supplemental amendment on 10/12/2005, which further amended the added new claim 34.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 21-36 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 21-36 recite "network of publicly-located dynamic displays". Nowhere, in Applicant's specification said limitation is recited or explained.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 21-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 21-36 recite "network of publicly-located dynamic displays". Nowhere, in Applicant's specification said limitation is recited or explained. For purpose of art rejection said limitation would be interpreted as "user's computer displays".

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21-25, 34 and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Dedrick (US 5,724,521).

As per claims 21, 34 and 36, Dedrick teaches:

A method for selling advertising media inventory on a network of publicly-located dynamic displays, the method comprising: electronically receiving target consumer demographics from an advertiser, comparing the target consumer demographics to demographic information for available advertising media inventory on the network of publicly-located dynamic displays (see column 5, line 30 – column 6, line 37; column 3, lines 30-50);

identifying a subset of available Inventory based at least in part on the comparison and providing pricing for the subset of available inventory to the advertiser, wherein the pricing changes according to a degree of targetability represented by the subset of available inventory compared to the available advertising media inventory (see column 5, line 30 – column 6, line 37).

As per claim 22, Dedrick teaches:

The method of Claim 21, wherein electronically receiving the target consumer demographics from the advertiser comprises receiving the target consumer demographics through a computer interface from at least one of a media planner and a media buyer (see column 4, lines 16-37).

As per claim 23, Dedrick teaches:

The method of Claim 21, wherein the network of publicly located dynamic displays comprises at least one dynamic interactive directory (see column 4, lines 16-35).

As per claim 24, Dedrick teaches:

The method of Claim 21, further comprising electronically receiving target geographic location information for an advertisement campaign from the advertiser, wherein the subset of available inventory is also based at least in part on a comparison of the target geographic location information and a location of one or more dynamic displays (see column 3, lines 29-50).

As per claim 25, Dedrick teaches:

The method of Claim 21, further comprising comparing the target consumer demographics to demographic Information for available advertising media Inventory on at least one additional media type (see column 5, line 30 – column 6, line 33).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 26-33 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick (US 5,724,521) in view of Matsumoto (US 2004/0111319).

As per claim 26, Dedrick teaches:

The method of Claim 25, but fails to teach wherein the at least one additional media type comprises a dynamic medium selected from the group comprising interactive directories, elevator information, and fitness equipment. However, Matsumoto teaches an advertisement campaign system that allows advertisers select the type of media where said advertisers want to place their advertisements (see Matsumoto figure 3, item 29). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Dedrick would allow advertisers to select the type of media to place said advertisers' ads, as taught by Matsumoto (i.e. magazines, websites; see Matsumoto paragraph 69) where said selection would be used to adjust the pricing of said placing.

As per claim 27, Dedrick teaches:

The method of Claim 25, but fails to teach wherein the at least one additional media type comprises an online website. However, the same argument made in claim 26 regarding this missing limitation is also made in claim 27.

As per claim 28, Dedrick teaches:

The method of Claim 25, but fails to teach wherein the at least one additional media type comprises one or more media selected from the group comprising radio, television, outdoor billboard, wallscape, indoor poster, newspaper, and magazine. However, the same argument made in claim 26 regarding this missing limitation is also made in claim 28.

As per claim 29, Dedrick teaches:

The method of Claim 25, but fails to teach further comprising receiving a selection of a seller of the at least one additional media type. However, the same argument made in claim 26 regarding this missing limitation is also made in claim 29.

As per claim 30, Dedrick teaches:

The method of Calm 21, further comprising electronically receiving target, property type Information for an advertisement campaign from the advertiser, wherein the subset of available Inventory is also based at least in part on a comparison of the target property type Information and a property type location of one or more dynamic displays. However, Matsumoto teaches an advertisement campaign system that allows advertisers select the type of media where said advertisers want to place their advertisements (see Matsumoto figure 3, item 29). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to

know that Dedrick would allow advertisers to select the type of media to place said advertisers' ads, as taught by Matsumoto (i.e. magazines, retails stores; see Matsumoto paragraph 69) where said selection would be used to adjust the pricing of said placing.

As per claim 31, Dedrick teaches:

The method of Claim 30, but fails to teach wherein the target property type includes at least one specific retail store. However, the same argument made in claim 30 regarding this missing limitation is also made in claim 31.

As per claim 32, Dedrick teaches:

The method of Claim 30, but fails to teach wherein the target property type includes a type of retail store. However, the same argument made in claim 30 regarding this missing limitation is also made in claim 32.

As per claims 33 and 35, Dedrick teaches:

The method of Claim 21, but fails to teach further comprising providing a number of impressions corresponding to the subset of available inventory to the advertiser. However, Matsumoto teaches providing a number of impressions corresponding to available inventory to the advertiser (see Matsumoto figure 4). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Dedrick would allow advertisers know the cost of impressions for placing advertisements in a type of media, as taught by Matsumoto in order that said advertisers better manage their advertisement's campaign budget.

Response to Arguments

6. Applicant's arguments with respect to claims 21-36 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The official Fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DL

Daniel Lastra
December 10, 2005

RAQUEL ALVAREZ
PRIMARY EXAMINER